IN THE HIGH COURT OF JUDICATURE AT BOBBY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.363 OF 2007

Nandnandan Silk Mills Pvt.ltd. .. Petitioners.
Versus
Sanjay Gandhi .. Respondent.

Mr.N.P.Jain for petitioners.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st September, 2007.

P.C.

1. On 7th September, 2007, an ad-interim order was made on this petition after hearing Mr.Jain and it was directed that the said order will continue for a period of two weeks from today. Mr.Jain produces the affidavit of service, evidencing service of this petition and the annexures thereto on the respondent.

2. In the light of this affidavit which is taken on record and marked "X" for

identification, it is clear that the respondent has been served with the copy of the petition and the annexures thereto. No affidavit in reply is filed controverting the statements in the arbitration petition. This arbitration petition is under Section 9 of the Arbitration and Conciliation Act, 1996. For the reasons that are set out in the petition, in my view, prima-facie case is made out for grant of relief in terms of prayer clause (c) of the petition. The interim measures of protection are necessary to preserve the goods which are subject matter of the Arbitration Agreement. In such circumstances and balance of convenience being also in favour of the petitioner and the petitioner suffering irreparable loss and injury as pointed out in the petition, the petition is allowed and made absolute in terms of the ad-interim order dated 7th September, 2007. No order as to costs. Petition made absolute accordingly.

(S.C.Dharmadhikari, J.)